



Attorney's Docket No.: 08935-292001 / M-5028

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jordan T. Bourilkov et al. Art Unit : 1745
Serial No. : 10/616,495 Examiner : Thomas H. Parsons
Filed : July 9, 2003
Title : FUEL CARTRIDGE INTERCONNECT FOR PORTABLE FUEL CELLS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF MARCH 15, 2006

Please amend the above-identified application as follows:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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April 14, 2006

Marie Collins

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REMARKS

The examiner required restriction between inventions of Group I Claims 1-4, 5-9, drawn to an adapter, classified in class 320, subclass 107 and Group II Claims 10-14, 15-19, 20-25, drawn to a hybrid power supply, classified in class 429, subclass 12.

Applicant elects Group I, claims 1-4 and 5-9.

Applicant traverses the restriction requirement. In order for the inventions to be distinct, each from the other the examiner must show that: (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.050). In the instant case, while the combination, as claimed, does not require the particulars of the subcombination, as claimed, the examiner has not shown that the subcombination has separate utility. The examiner argues that the subcombination has separate utility, "as in combination with a battery charger."

Applicant contends that the utility of a battery charger is subsumed in claim 10 for instance, which recites ... an interface between a fuel cell system and a fuel cartridge or battery; and a switching type DC/DC boost type converter coupled to the interface and which receives energy from a fuel cell or from an external battery connected to the interface, and which is arranged to deliver the energy to a rechargeable cell

Accordingly the requirement is traversed, since the inventions are not both independent and distinct.

The examiner also indicated that the application contained claims directed to the patentably distinct species:

Ia. Claims 1-4, drawn to an adapter that does not require a second a second member having electronics to convert power incident at an input of the adapter to an output power level at a pair of spaced battery terminals of the member; and a first pair of wires coupled between an input of the first member and output of the second member; and a second pair of wires coupled from an input of the second member to an electronic plug.

Ib. Claims 5-9, drawn to an adapter that requires a second a second member having electronics to convert power incident at an input of the adapter to an output power level at a pair of spaced battery terminals of the member; and a

first pair of wires coupled between an input of the first member and output of the second member; and a second pair of wires coupled from an input of the second member to an electronic plug.

IIa. Claims 10-14, drawn to a hybrid power supply that does not require a fuel cell current sensor/comparator, and a feedback control loop disposed in the DC/DC converter.

IIb. Claim 15-19, drawn to a hybrid power supply that requires a fuel cell current sensor/comparator, and a feedback control loop disposed in the DC/DC converter.

IIc. Claim 20-25 drawn to a requires a DC/DC boost type converter as opposed to a switching type DC/DC boost type converter, nor does it require a fuel cell current sensor/comparator, and a feedback control loop disposed in the DC/DC converter.

The examiner indicated that each species was independent or distinct because each were directed toward distinct and independent mechanical means.

Applicant pursuant to 35 U.S.C. 121 elects to prosecute the species of Group IA for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently claim 1 is generic.

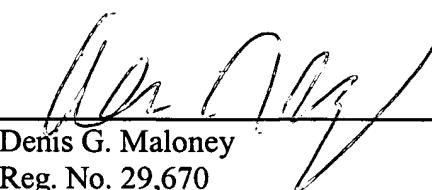
Applicant contends that the elected species consonant with this requirement is found in FIGS. 2A and 2B. Applicant contends that at least claims 2-9 are species of generic claim 1.

Applicant has made the election with traverse, to reserve a right to petition.

No fee is believed to be due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4/14/06



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